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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,950	08/04/2003	Steven R. Pargman	09741620-0428	5191

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SONNENSCHN NATH & ROSENTHAL LLP  
P.O. BOX 061080  
WACKER DRIVE STATION, SEARS TOWER  
CHICAGO, IL 60606-1080

EXAMINER

OLSON, LARS A

ART UNIT PAPER NUMBER

3617

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/633,950

Applicant(s)

PARGMAN, STEVEN R.

Examiner

Lars A Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10272003.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sadorus (US 3,857,191) in view of Loudermilk et al. (US 6,393,401).

Sadorus discloses a visual-audio device, as shown in Figures 1-9, that is comprised of a picture frame, defined as Part #10, for displaying a picture, defined as Part #11, a universal support, defined as Part #75, with a front face, a back face and an outer peripheral edge, an audio player device, defined as Part #16, that includes a storage component, defined as Part #20, for storing sounds, a speaker, defined as Part #54 or 105, for playing said sounds, and at least one switch, defined as Part #18 or 110, for activating said audio player device in order to play said sounds, a stand, defined as Part #114, that is connected to said universal support, as shown in Figure 6, a mount for connecting said frame to said universal support, as shown in Figures 6 and 7, and an opening, as shown in Figures 1 and 5, for viewing said picture through said frame when said frame is connected to said support.

Sadorus, as set forth above, discloses all of the features claimed except for the use of an audio recorder device and a microphone that is operatively connected to a storage component for recording sounds.

Loudermilk et al. discloses a picture display device, as shown in Figures 1A-9, that includes a picture frame, defined as Part #8, a microphone, defined as Part #12, 25 or 34, a speaker, defined as Part #28 or 36, at least one switch, defined as Part #9 or 26, an analog-to-digital converter, defined as Part #38, a CPU, defined as Part #30, and a storage component, defined as Part #32, that receives and stores audio information from said microphone.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a microphone and an audio recorder device with a storage component, as taught by Loudermilk et al., in combination with the visual-audio device as disclosed by Sadorus for the purpose of providing a means to both record and play audio messages on a device that is coupled to a picture frame.

3. Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sadorus in view of Loudermilk et al., and further in view of Chang (US 5,836,565).

Sadorus in combination with the teachings of Loudermilk et al. shows all of the features claimed except for the use of a plurality of tabs that are rotatably coupled to a rearward surface of a picture frame for selectively connecting said frame to a universal support, and a stand that is pivotally connected to said universal support.

Chang discloses a supporting device for a picture frame, as shown in Figures 1-5, that is comprised of a picture frame, defined as Part #20, a universal support,

defined as Part #12, a stand, defined as Part #13, that is pivotally connected to said universal support, as shown in Figures 2 and 3, a plurality of tabs, defined as Part #22, that are rotatably coupled to a rearward surface of said picture frame for selectively connecting said picture frame to said universal support, and a recess that is sized and shaped to receive said universal support when said picture frame is connected to said universal support, as shown in Figure 1.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a plurality of rotatable tabs to connect a universal support to a picture frame, and a stand that is pivotally connected to a universal support, as taught by Chang, in combination with the visual-audio device as disclosed by Sadorus and the teachings of Loudermilk et al. for the purpose of providing a selectively engageable means for connecting a universal support to a picture frame in order to facilitate the insertion and removal of a picture into or from said picture frame, and a pivoting stand to allow said picture frame to be displayed in a variety of positions.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Camillery (US 5,794,371) discloses a picture frame system that includes a means for recording and playing audio information. Roy (US 5,524,370) discloses a system for attaching a backing plate to a picture frame by means of a plurality of locking tabs.

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5. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

September 21, 2004

LARS A. OLSON  
PATENT EXAMINER

*Lars Olson*  
9/21/04